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ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SAFEWAY INC; WALGREEN CO.; THE)
KROGER CO.; NEW ALBERTSON'S, INC.;)
AMERICAN SALES COMPANY, INC.; AND)
HEB GROCERY COMPANY, LP,)

Plaintiffs,)

v.)

ABBOTT LABORATORIES,)

Defendant.)

Case No. C07-5470 (CW)

Related per November 19, 2007 Order to
Case No. C04-1511 (CW)

STIPULATION REGARDING DEPOSITION OF MILES WHITE

DATE:

TIME:

PLACE:

JUDGE: Honorable Bernard Zimmerman

(Caption continued on next page)

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MEIJER, INC. & MEIJER DISTRIBUTION,
INC., ROCHESTER DRUG CO-OPERATIVE,
INC., AND LOUISIANA WHOLESALE
DRUG COMPANY, INC., ON BEHALF OF
THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. C07-5985 (CW)
(Consolidated Cases)

Related per November 30, 2007 Order to
Case No. C04-1511 (CW)

RITE AID CORPORATION; RITE AID
HDQTRS CORP.; JCG (PJC) USA, LLC;
MAXI DRUG, INC D/B/A BROOKS
PHARMACY; ECKERD CORPORATION;
CVS PHARMACY, INC.; AND CAREMARK
LLC,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 07-6120 (CW)

Related per December 5, 2007 Order to
Case No. C04-1511 (CW)

Whereas, the direct purchaser plaintiffs in the above-captioned actions (but not plaintiff GSK) have notified Abbott that they intend to notice the deposition of Abbott's Chairman and CEO, Miles White.

Whereas, Abbott has no intent to produce Mr. White for deposition absent a court order requiring the deposition to take place and has expressed its intent to move for a protective order to prevent that deposition from occurring.

Whereas, the direct purchaser plaintiffs dispute that sufficient grounds exist to support such a protective order.

Whereas, Abbott has requested that the direct purchaser plaintiffs not formally notice the deposition of Mr. White until the end of fact discovery.

Whereas, the parties agree to postpone this dispute until the close of fact discovery.

IT IS HEREBY STIPULATED AND AGREED:

1. No plaintiff will notice the deposition of Mr. White before the last week of February 2009. But any notice of deposition for Mr. White must be served by the seventh calendar day after the close of fact discovery.

2. Within two business days after service of the deposition notice for Mr. White, the parties will jointly contact Judge Zimmerman's chambers to request the earliest possible hearing date for Abbott's motion for protective order and will coordinate on an expedited schedule for letter briefs.

3. Abbott will not oppose the deposition of Mr. White based on the timing of the notice or on the ground that the fact discovery period has closed, or is about to close. But Abbott reserves its right to raise any other objection to the deposition. Abbott also will not seek to alter other deadlines in the case based on the pendency of this dispute or any scheduling of Mr. White's deposition.

4. If Abbott ultimately is ordered to produce Mr. White for deposition, the parties will cooperate in scheduling a deposition date convenient for the parties and witness, regardless of the date indicated in the deposition notice. Each party retains all rights to appeal any order on the production of Mr. White, and the direct purchaser plaintiffs do not agree to postpone

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Mr. White's deposition during the pendency of any appeal of an order commanding Mr. White's production.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

/s/ Scott E. Perwin

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/s/ Charles B. Klein

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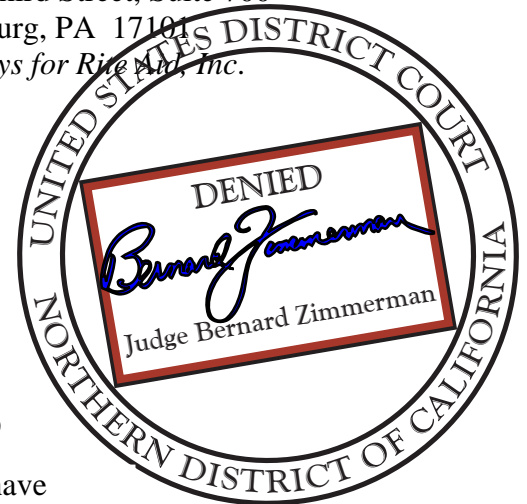
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~~PURSUANT TO STIPULATION, IT IS SO ORDERED~~

Dated: 1/26/2009

DENIED. I do not have authority to alter Judge Wilken's discovery cutoff date.

Judge Zimmerman
United States District Court
Northern District of California

GENERAL ORDER 45 ATTESTATION

I, Charles B. Klein, am the ECF User whose ID and password was used to file this Joint Stipulation to Extend Time for Filing. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above concurred in this filing.

Dated: January 23, 2009

By: /s/ Charles B. Klein
Charles B. Klein
WINSTON & STRAWN LLP
Counsel for Defendant

CHI:2210991.1

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